


**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Personnel		(2) MEETING DATE April 4, 2006		(3) CONTACT/PHONE Richard Greek 781-5959	
(4) SUBJECT Resolution authorizing the County of San Luis Obispo to access state, local and federal summary criminal history information for employment, licensing and certification purposes.					
(5) SUMMARY OF REQUEST Pursuant to legal mandate the County must perform criminal background checks on employees and applicants for various positions. As examples, the Welfare and Institutions Code and the Public Resources Code require background checks on employees working with children and other vulnerable populations; the California Code of Regulations requires background checks on employees with access to computerized criminal record information (i.e. CLETS), or other criminal history information maintained by the County. Penal Code section 11105(b)(10) requires that an entity requesting such information adopt a resolution specifically authorizing access to the criminal history information. In 2001 the Board adopted such a resolution. Following recent amendments to the Penal code the FBI discontinued honoring the existing resolution, necessitating counties to again adopt an authorizing resolution.					
(6) RECOMMENDED ACTION It is recommended that your Board approve and direct the Chairperson to sign a resolution authorizing the County of San Luis Obispo to access state, federal and local summary criminal history information for employment, licensing and certification purposes.					
(7) FUNDING SOURCE(S) General Fund		(8) CURRENT YEAR COST Monies are budgeted to perform fingerprinting services		(9) ANNUAL COST Varies by number of new hires	
(10) BUDGETED? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): Personnel, County Counsel, Social Services, District Attorney, General Services, Child Support Services, Behavioral Health					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) <input type="checkbox"/> 1st, <input type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input checked="" type="checkbox"/> All			(14) LOCATION MAP <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		(15) Maddy Act Appointments Signed-off by Clerk of the Board
(16) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(17) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A		
(18) NEED EXTRA EXECUTED COPIES? <input checked="" type="checkbox"/> Number: <u>2</u> <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A			(19) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) _____			(21) W-9 <input type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input type="checkbox"/> N/A Date _____
(23) ADMINISTRATIVE OFFICE REVIEW <div style="text-align: center;"></div>					

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(4-4-06)



Personnel Department SAN LUIS OBISPO COUNTY

Richard D. Greek, Personnel Director

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TO: BOARD OF SUPERVISORS

FROM: RICHARD GREEK
Personnel Director

DATE: April 4, 2006

SUBJECT: RESOLUTION AUTHORIZING THE COUNTY OF SAN LUIS OBISPO TO ACCESS STATE, LOCAL AND FEDERAL SUMMARY CRIMINAL HISTORY INFORMATION FOR EMPLOYMENT, LICENSING AND CERTIFICATION PURPOSES

RECOMMENDATION

It is recommended that your Board approve and direct the Chairperson to sign a resolution authorizing the County of San Luis Obispo to access state, federal and local summary criminal history information for employment, licensing and certification purposes.

DISCUSSION

Pursuant to legal mandate the County must perform criminal background checks on employees and applicants for various positions. As examples, the Welfare and Institutions Code and the Public Resources Code require background checks on employees working with children and other vulnerable populations; the California Code of Regulations requires background checks on employees with access to computerized criminal record information (i.e. CLETS), or other criminal history information maintained by the County.

The requirement to perform criminal background checks is fulfilled through submission of the employee/applicant's fingerprints to the State Department of Justice, who will then provide the criminal history information. Penal Code section 11105(b)(10) requires that an entity requesting such information adopt a resolution specifically authorizing access to the criminal history information. In 2001 the Board adopted such a resolution. Following recent amendments to the Penal code the FBI discontinued honoring the existing resolution, necessitating counties to again adopt an authorizing resolution.

Board of Supervisors
Request to Approve a Resolution Authorizing the County
to Access State, Local and Federal Summary Criminal History Information
April 4, 2006

The proposed resolution is based upon a model resolution supplied by the FBI. It will be submitted to the State of California, then to the FBI for its approval. After approval the County will again be able to receive complete criminal history information and fulfill its legal mandates.

OTHER AGENCY INVOLVEMENT

County Counsel has reviewed and approved this Resolution as to legal form and effect.

FINANCIAL CONSIDERATION

Monies are budgeted to perform fingerprinting services. This resolution has no additional impact.

RESULTS

Authorization to access local, state and federal level criminal history information will help insure that the County has complied with its legal mandates regarding employment, licensing and certification processes.

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IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE COUNTY OF SAN LUIS OBISPO
TO ACCESS STATE, LOCAL AND FEDERAL SUMMARY
CRIMINAL HISTORY INFORMATION FOR EMPLOYMENT,
LICENSING AND CERTIFICATION PURPOSES

The following resolution is hereby offered and read:

WHEREAS, Penal Code sections 11108(b)(10) and 13300(b)(10) authorizes cities, counties and districts to access state and local summary criminal history information for employment, licensing or certification purposes; and

WHEREAS, Penal Code section 11105(b)(10) authorizes cities, counties and districts to access federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation; and

WHEREAS, Penal Code sections 11105(b)(10) and 13300(b)(10) require the city council, board of supervisors, or governing body of a city, county or district to specifically authorize access to summary criminal history information for employment, licensing, or certification purposes.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the County of San Luis Obispo is hereby authorized to access state and federal level summary criminal history information for employment (including volunteers and contract employees), licensing, or certification purposes and may not disseminate the information to a private entity; and

BE IT FURTHER RESOLVED, that the County of San Luis Obispo shall not consider a person who has been convicted of a felony or misdemeanor involving moral turpitude eligible for employment (including volunteers and contract employees), or

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licensing; except that such conviction may be disregarded if it is determined that mitigating circumstances exist, or that the conviction is not related to the employment, volunteer or license in question.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

The foregoing resolution is hereby adopted.

Chairman of the Board of Supervisors of
the County of San Luis Obispo, State of California

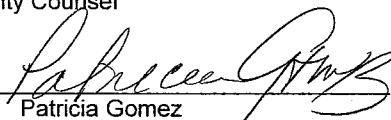
ATTEST:

County Clerk and Ex-Officio Clerk of the
Board of Supervisors, County of San Luis
Obispo, State of California

By: _____
Deputy Clerk

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: 
Patricia Gomez
Deputy County Counsel

Dated: 3/23/06

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